

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

**-FILED-**

**MAY 20 2019**

At \_\_\_\_\_ M  
ROBERT N. TRGOVICH, Clerk  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA

THOMAS R. GANUS on his own behalf and  
on behalf of a class of those similarly situated,

Plaintiff,

v.

RON NEAL, Warden,

MARK NEWKIRK, Executive Assistant,

MARION THATCHER, Unit Team Manager,

PAULINE WILLIAMS, Corrections Lieutenant

BESSIE LEONARD, Law Library Supervisor,

KIMBERLY CREASY, Law Library Supervisor, and

ERIN JONES, Law Library Supervisor,

Defendants.

Cause No. 3:18-cv-928-RLM-JEM

**COMPLAINT-CLASS ACTION**

**DEMAND FOR JURY TRIAL**

**MOTION FOR LEAVE TO AMEND**  
**COMPLAINT-SEEKING SECOND AMENDMENT**

COMES NOW the Plaintiff, Thomas R. Ganus, ("Plaintiff") pursuant to Rule 15 (a) of the Federal Rules of Civil Procedure, and respectfully moves the Court to grant leave to file Second Proposed Amended Complaint.

1. That at the time Plaintiff's Original Complaint and First Amended Complaint was filed, the Plaintiff was uncertain of relevant facts that are important to enable the Plaintiff to maintain his Complaint.

2. That because the facts came into the Plaintiff's possession after the filing of the Plaintiff's Original Complaint and First Amended Complaint, the Plaintiff was unable to allege those facts in his Original Complaint and First Amended Complaint.

3. That Plaintiff further avers that the new facts contained in Plaintiff's Second Proposed Amended Complaint are necessary to enable the Plaintiff to prove his case, and therefore the amendments sought is in furtherance of justice.

4. That Plaintiff has determined that amendments to pleadings are necessary and that they will relate back to the date of the original pleadings.

5. That Plaintiff has determined that different claims are needed.

6. That Plaintiff has determined that amendments are needed to amend request for relief.

7. That Plaintiff has determined that a Defendant needs stricken from the Complaint.

8. That Plaintiff is entitled to relief in accordance with the additional facts contained in the Second Proposed Amended Complaint.

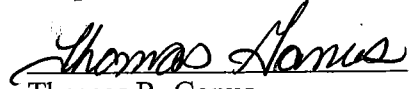
9. That Plaintiff brings this motion in good faith and not for purpose of undue delay, dilatory motive or undue prejudice to the opposing party or futility.

10. The Court should grant leave freely to amend a complaint. *Forman v. Davis*, 371 U.S. 178, 182, 83 S. Ct. 227 (1962).

**WHEREFORE**, the Plaintiff, respectfully requests that leave may be granted to file a Second Proposed Amended Complaint for the purpose of alleging the described matters of facts as they appear above. The Plaintiff's *Second Proposed Amended Class Action Complaint for Injunctive and Declaratory Relief and Individual Claims for Injunctive and Declaratory Relief and Damages* is tendered with *Motion for Leave to Amend Complaint-Seeking Second Amendment*, and the Plaintiff pleads for such relief as may be just, proper and appropriate in the premises.

May 16, 2019

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas Ganus", written over a horizontal line.

Thomas R. Ganus

Plaintiff/Pro se

**CERTIFICATE OF SERVICE**

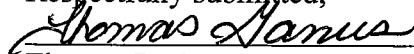
That I, Thomas R. Ganus, do hereby certify that on this 16<sup>th</sup> day of May 2019, mailed a true and correct copy of Plaintiff's *Motion for Leave to Amend Complaint-Seeking Second Amendment* upon:

The Clerk of the Court  
United States District Court  
Northern District of Indiana  
South Bend Division  
Robert A. Grant Federal Building & U.S. Courthouse  
204 South Main Street  
Room 102  
South Bend, IN 46601

Deputy Attorney General  
Ryan J. Guillory  
Indiana Attorney General's Office  
Indiana Government Center-South  
Fifth Floor  
402 West Washington Street  
Indianapolis, IN 46204

by submitting same to a designated civilian employee of the Indiana Department of Corrections for prompt processing and placement in the U.S. Mail by authorized prison personnel within the facility mailroom, with sufficient first-class postage prepaid, and it shall be deemed **FILED** as of the date under *Houston v. Lack*, 487 U.S. 266, 108 S. Ct. 2379, 101 L. Ed. 2d 245 (1988).

Respectfully submitted,



Thomas R. Ganus

Plaintiff/Pro se

DOC #111462

Indiana State Prison/Outside

201 Woodlawn Avenue

Michigan City, IN 46360